



City of Seattle

Gregory J. Nickels, Mayor
Department of Planning and Development
D. M. Sugimura, Director

CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR OF
THE DEPARTMENT OF PLANNING AND DEVELOPMENT

Application Number: 2302748
Applicant Name : Terry Beals for Sound Transit
Address of Proposal: 2415 S. McClellan Street

SUMMARY OF PROPOSED ACTION

Master Use Permit to establish use for future construction of the South McClellan Street Light Rail Station (Essential Public Facility / Light Rail Transit Facility) including construction of the "East Portal" and grading of 34,165 cubic yards of material. Environmental Impact Statement prepared by Sound Transit.

The following approvals are required:

- Essential Public Facilities - Chapter 23.80.
- SEPA – to approve condition or deny pursuant to SMC 25.05.660.

SEPA DETERMINATION: ☐ Exempt ☐ DNS ☐ MDNS ☒ EIS*

☐ DNS with conditions

☐ DNS involving non-exempt grading, or demolition or another agency with jurisdiction.

* Final Environmental Impact Statement issued by Central Puget Sound Regional Transit Authority in November of 1999, Addendum addressing Initial Segment issued November 16, 2001.

BACKGROUND DATA

Site Location:

The project site is comprised of 13 parcels (identified in Sound Transit plans as sites 1-13) and is located generally at the southwest corner of S. McClellan Street and Rainier Avenue S. in the North Rainier Valley of South Seattle. The proposal site's western boundary begins at 24th Avenue S. and steps down to 25th Avenue S.; the southern boundary is S. Winthrop Avenue; the northern boundary is S. McClellan Street and the eastern boundary generally fronts an alley right-of-way approximately 100 feet west of Rainier Avenue S. A portion of the elevated rail guideway would also front the west side Martin Luther King Jr. Way S. The addresses of the individual parcels and related zoning are as follows:



Site	Parcel Number	Address	Zoning
1	308500-1995	No address	L2
2	308500-2065	2809 – 26 th Ave S	NC3-65 P1
3	308500-2085	No address	L4
4	308500-2100	2901 – 27 th Ave S	C1-65, NC3-65
5	713830-0015	No address	NC3-65 P1
6	713830-0005	No address	NC3-65 P1
7	000360-0056	2915 Rainier Ave S	NC3-65
8	713880-0010	2919 Rainier Ave S	NC3-65
9	713880-0080	3005 Rainier Ave S	NC3-65 P1
10	713880-0015	2722 S Winthrop St	NC3-65
11	713880-0025	No address	NC3-65
12	505830-0070	3101 Martin Luther King Jr Way S	L4/RC
13	505830-0045	3111 Martin Luther King Jr Way S	L4/RC

Portions of the sites are designated as an Environmentally Critical Areas (ECA) Steep Slope area and Wildlife Habitat Area. The proposal site is also located within the North Rainier Valley Urban Village and is also within the Southeast Seattle Revitalization Area (SESRA) overlay district.

Project Site:

The entire project site contains approximately seven (7) acres. The topography of the site varies with steep, forested slopes corresponding to the location of the east portal tunnel beneath Beacon Hill and meanders down slope to the valley floor where the station will be constructed.

Existing Uses:

The sites are developed with several commercial businesses and/or paved parking lots; portions of the site development area are undeveloped or part of a forested greenbelt.

Vicinity:

Zoning in the vicinity includes SF 5000 near the east portal; a variety of Lowrise zoned sites as the system is daylighted and includes both Neighborhood Commercial and Commercial zones near the station location. Uses in the area of the project site include single family residences, commercial and industrial uses as surface parking lots.

Proposal Description

The South McClellan Street Station is an element of Sound Transit's Central Link light rail C710/C720 segment along Martin Luther King Jr. Way South. The C710/C720 contract is a component of Sound Transit's Initial Segment. Under this application, Sound Transit proposes to construct: (1) the "East Portal" which is the exit point of the underground rail tunnel that traverses through Beacon Hill; (2) an elevated rail/guideway alignment that would extend from the east portal to the McClellan station loading platform; (3) the station which would consist of an approximately 32-foot tall central-loading platform, an entrance ramp and entry plaza, a ticket-vending area, and a signal and communications yard with accessory structures; (4) demolish five structures; and (5) excavate and grade 34,165 cubic yards of material.

The station entrance would be located midway at a redeveloped S. Stevens Street right-of-way at Rainier Avenue S. The project includes site and the ROW landscaping and street improvements at S. Stevens, Forest, and Winthrop Streets. A detailed description of the station facade, interior and exterior improvement can be found on pages 43 - 47 of the Sound Transit application document.

Public Comments

Prior to submittal of the Master Use Permit application for this proposal, several station area public meetings were held within the north Rainier Valley community to discuss the proposal and the final design of the proposed Light Rail Station. These meetings were attended by members of the public, Sound Transit staff, City of Seattle staff and members of the Link Light Rail Review Board. The Board approved the design of the station as submitted on **April 1, 2003**.

The public comment period for this proposal began June 26, 2003 and ended July 9, 2003. The department received one lengthy written comment letter from an abutting neighbor, the University of Washington Medical Center, which operates a laundry facility on one of the affected properties. This letter, dated December 15, 2003, expressed concerns generally related to:

- Construction staging, truck hauling and contractor employee shifts could conflict with Laundry loading operations, timing employee shift transitions
- Permanent operation of the station could conflict with Laundry truck access and employee access, due to location of drop off/pick up/paratransit locations along S Forest and 27th Ave S
- Concern that construction activities and permanent station operations will negatively impact traffic patterns for nearby businesses
- Construction activities could reduce or hamper access to onsite parking for facilities owned and operated by University of Washington in the immediate area
- Appropriate efforts to ensure pedestrian safety during constructions is addressed
- Noise and related environmental impacts during construction are adequately mitigated

ANALYSIS – ESSENTIAL PUBLIC FACILITIES

Pursuant to SMC 23.80.002, in reviewing an application for a proposed essential public facility, the Director considers a specified set of criteria listed in 23.80.004. Based on the information provided by the applicant and review of the proposal by the Land Use Planner, the following findings are made with respect to the criteria cited below:

23.80.004 A:

- 1. Interjurisdictional Analysis. A review to determine the extent to which an interjurisdictional approach may be appropriate, including consideration of possible alternative sites for the facility in other jurisdictions and an analysis of the extent to which the proposed facility is of a county- wide, regional or state-wide nature, and whether uniformity among jurisdictions should be considered.***

The proposed Central Link light rail system is a component of the region's voter-approved Sound Move, Sound Transit's 10-year program for regional high-capacity transportation. As part of the development of Sound Move, and the preparation of the Environmental Impact Statement for the Central Link light rail line, a wide range of alternative routes were considered before selecting the proposed route. To achieve its purpose, the Central Link light rail system will extend through the most heavily populated portions of King County and Seattle and will be located in several local jurisdictions between SeaTac and north Seattle. The overall design of the system was based on an interjurisdictional approach to transportation planning in the region.

2. *Financial Analysis. A review to determine if the financial impact upon the City of Seattle can be reduced or avoided by intergovernmental agreement.*

The Final Environmental Impact Statement for the Central Link Light Rail Project addresses the potential impacts of the project, including the potential financial impact on the City of Seattle. The potential financial impact was considered by the Federal Transit Administration prior to issuance of its Record of Decision which included measures to mitigate potential impacts.

3. *Special Purpose Districts. When the public facility is being proposed by a special purpose district, the City should consider the facility in the context of the district's overall plan and the extent to which the plan and facility are consistent with the Comprehensive Plan.*

It appears that Sound Transit is not a Special Purpose District. However, the City has considered the Central Link Rail Project in its entirety. The City participated in preparation of the Sound Move plan and in the EIS for the Central Link Project and was actively involved in the siting decisions for the various segments of the Central Link Project. As part of planning for the Central Link Project, the City Council passed resolution 30128 (dated April 17, 2000) approving the alignment, transit station locations, and maintenance base location for the project in Seattle. The City's Comprehensive Plan directly supports the project. Comprehensive Plan Policy T34 calls for the City to support the development of an integrated regional transportation system that includes light rail. Policies T35 and T38.5 also address a potential light rail system.

4. *Measures to Facilitate Siting. The factors that make a particular facility difficult to site should be considered when a facility is proposed, and measures should be taken to facilitate siting of the facility in light of those factors (such as the availability of land, access to transportation, compatibility with neighboring uses, and the impact on the physical environment).*

Potential impacts of the project and the measures to mitigate those impacts are discussed in the 1999 FEIS and the 2001 FEIS Addendum for the Initial Segment. Please refer to the SEPA analysis included with this report.

SMC 23.80.004 B:

This subsection states that if the decision maker determines that attaching conditions to the permit approval will facilitate project siting in light of the considerations identified above, the decision maker may establish conditions for the project for that purpose. Potential impacts of the project and the measures to mitigate those impacts are discussed in the 1999 FEIS and the 2001 FEIS Addendum for the Initial Segment. Please refer to the SEPA analysis included with this report.

SMC 23.80.004 C: Light rail transit facilities.

- 1. Light rail transit facilities necessary to support the operation and maintenance of a light rail transit system are permitted in all zones within the City of Seattle.***

The proposed element of the Central Link Light Rail Project is permitted in the applicable zoning designations for the subject property.

- 2. The Director may approve a light rail transit facility pursuant to Chapter 23.76, Master Use Permits and Council Land Use Decisions only if the alignment, transit station locations, and maintenance base location of the light rail transit system have been approved by the City Council by ordinance or resolution.***

The City of Seattle City Council passed and the Mayor approved Resolution 30128 (dated April 17, 2000) approving the alignment, transit station locations, and maintenance base location for Sound Transit's Central Link Light Rail project in Seattle. The proposed McClellan Street station and construction of the "East Portal" and associated elevated railway is consistent with the approved Resolution.

- 3. When approving light rail transit facilities, the Director may impose reasonable conditions in order to lessen identified impacts on surrounding properties. A Master Use Permit is not required for the installation of tracks, below-grade facilities, minor alteration of light rail transit facilities involving no material expansion or change of use, and other minor new construction that, in the determination of the Director, is not likely to have significant adverse impacts on surrounding properties.***

This Master Use Permit application is for construction of the "East Portal" associated elevated guideway, street improvements and the McClellan Street station. The project is an integral part of the overall transit system. Sound Transit issued a Final EIS for the proposed system in November of 1999 and Addendum to the Final EIS for the Initial Segment on November 16, 2001. The environmental documents identified potential impacts of the system and its components, as well as adequate mitigation measures. Please refer below to the SEPA analysis related to the mitigation of the potential impacts of this project.

- 4. When approving light rail transit facilities, the Director may impose conditions to ensure consistency with the Seattle Design Guidelines for Link Light Rail to be developed by the City and Sound Transit.***

The City of Seattle has developed design guidelines to specifically address the Link light rail system under development by Sound Transit. The Design Guidelines specifically for the light rail transit stations at S. McClellan Street were approved and adopted as a joint SDOT/DPD Director's Rule 2-2001.

Key urban design issues were identified in the document as well specific guidelines that addressed site planning issues; streetscape compatibility; linkages; user comfort; and station materials and finishes. The MUP application materials including architectural plans, technical drawings, renderings and narratives contained in the project file demonstrate the project's compliance with the adopted design guidelines. Therefore, no conditioning is warranted.

5. *A Master Use Permit for light rail transit facilities shall not be issued until the Director has received satisfactory evidence that the applicant has obtained sufficient funding (which might include a Full Funding Grant Agreement with a federal agency) to complete the work described in the master use permit application.*

The applicant has submitted satisfactory evidence that Sound Transit has obtained sufficient funding to complete construction of this element of the system. (Please refer to June 27, 2003 letter from Seattle Department of Transportation Program Manager).

DECISION – ESSENTIAL PUBLIC FACILITY

The Essential Public Facility application request is **APPROVED**.

ANALYSIS – SEPA

Sound Transit issued a Final EIS in November of 1999 and Addendum to the Final EIS for the Initial Segment on November 16, 2001. Sound Transit has lead agency status on this project, and the Director hereby incorporates by reference its November 1999 FEIS and the November 2001 Addendum to the FEIS. The addendum concludes that there has been no substantial change in impacts from those identified in the foregoing EIS materials. The information in the EIS, supplemental information provided by the applicant (plans, further project descriptions), and the experience of the City with review of similar projects form the basis for this analysis and decision.

The SEPA Overview Policy (SMC 25.05.665) establishes the relationship between codes, policies, and environmental review. Specific policies for specific elements of the environment, certain neighborhood plans, and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority. The Overview Policy states in part:

"where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation" (subject to some limitations).

Under certain limitations/circumstances (SMC 25.05.665 D 1-7) mitigation can be considered. Thus, a more detailed discussion of some of the impacts is cited below.

Short - Term Impacts

The following temporary or construction-related impacts are expected:

- decreased air quality due to suspended particulates from construction activities and hydrocarbon emissions from construction vehicles and equipment;
- increased dust caused by construction activities; potential soil erosion and potential disturbance to subsurface soils during grading, excavation, and general site work;
- increased traffic and demand for parking from construction equipment and personnel;
- conflicts with normal pedestrian and vehicular movement adjacent to the site;
- increased noise; and
- consumption of renewable and non-renewable resources.

Several adopted City codes and/or ordinances provide mitigation for some of the identified impacts. Specifically these are: Stormwater, Grading and Drainage Control Code (grading, site excavation and soil erosion); Street Use Ordinance (watering streets to suppress dust, removal of debris, and obstruction of the pedestrian right-of-way); the Building Code (construction measures in general); and the Noise Ordinance (construction noise). The ECA ordinance and DR 3-93 and 3-94 regulate development and construction techniques in designated ECAs. Compliance with these applicable codes and ordinances will reduce or eliminate most of the short-term impacts to the environment. Other impacts may not be adequately mitigated by existing ordinances, as discussed below.

Air Quality

The Puget Sound Clean Air Agency (PSCAA) regulations require control of fugitive dust to protect air quality. Compliance with PSCAA regulations will mitigate the potential adverse short term impacts to air.

Grading - Earth/Soils

Boring of the Beacon Hill tunnel would be launched at the west end of the hill. Removal of excavated material associated with tunnel excavation would also occur on the west side of the hill. The grading associated with the portal construction would be approximately 11,875 cy of exported material and 2,644 cy of imported fill. Other grading associated with the remaining portion of the rail alignment would be approximately 17,139 cy of exported material and 2,507 cy of imported fill.

Any additional information required to show conformance with applicable ordinances and codes (ECA ordinance, The Stormwater, Grading and Drainage Control Code, DR 3-93, and 3-94) would be required prior to issuance of a building permit for construction of the station. The Stormwater, Grading and Drainage Control Code requires preparation of a soils report to evaluate the site conditions and provide recommendations for safe construction on sites where grading will involve cuts or fills of greater than three feet in height or grading greater than 100 cubic yards of material. The current proposal involves cuts greater than three feet in height and grading of more than 100 cubic yards of material. The applicant has submitted a Geo-technical report prepared by Golder Associates, dated May, 2001, as part of this application.

Much of the project site is located in an environmentally critical area, including lands that are regulated due to the presence of steep slopes, known slides and liquefaction zones, as regulated in SMC 25.09. Consistent with SMC 25.09.600, soils engineering studies have been submitted which delineate the extent of these critical areas. The area that would be impacted as a result of constructing the East Portal was found to be part of previously disturbed area that was created as a result of right-of-way construction per SMC 25.09.180.D.2 and therefore is exempt from most of the steep slope development standards but subject to steep-slope drainage control and vegetation removal provisions. The Stormwater, Grading and Drainage Control Code provides extensive conditioning authority and prescriptive construction methodology to assure safe construction techniques are used, therefore, no additional conditioning is warranted pursuant to SEPA policies.

Traffic and Parking

An extensive amount of truck trips would be required for the removal of excavated material as well as for the delivery of construction materials. Construction traffic in the area of construction will likely increase congestion in the area and would generate increases in traffic from construction vehicles. Sound Transit has submitted a preliminary haul route that will be secured by DPD and SDOT in conjunction with building permit approval.

The applicant states that, in order to reduce potential impacts associated with project, temporary parking during construction, designated parking or worker transportation to the work site would be provided. Sound Transit has developed a contractor's "Special Provisions" document to address this issue. The anticipated construction activities are likely to generate adverse impacts, therefore pursuant to SMC 25.05.675 B (Construction Impacts Policy and SMC 25.05.675 R (Traffic and Transportation) additional mitigation is warranted. As part of the overall mitigation package developed by the City and ST for the project, a plan to manage construction activities was developed. This plan is specified in the Contract Specifications, Documents, and Special Provisions, previously reviewed and approved by City of Seattle and included in the SDOT Project Construction Permit(s) for the East Portal and the McClellan Station. Specifically, the applicant shall comply with all specifications that address construction hours, parking, traffic, and issues related to impacts on the surrounding street and sidewalk system. Therefore, no other mitigation is required.

Noise

The construction activities will generate short-term noise. The applicant states that all construction work will comply with the requirements of the Noise Ordinance. There are no sensitive noise receptors such as residences or sensitive commercial uses that are close to the project site. Therefore, no SEPA policy based conditioning of noise impacts of the project is warranted.

Long-term Impacts

Long-term or use-related impacts are also anticipated from the proposal, and include:

- Impact on the existing and/or anticipated industrial and commercial uses in the vicinity of the project;
- Increased ambient noise due to operations of the system;
- Increased demand on public services and utilities;
- Increased light and glare;
- Increased energy consumption; and
- Increased on-street parking demand and vehicle traffic.

Several adopted City codes and/or ordinances provide mitigation for some of the identified impacts. The Stormwater, Grading and Drainage Control Code requires on-site collection of stormwater, with provisions for controlled tightline release to an approved outlet, and additional design elements to prevent isolated flooding. The Land Use Code controls site coverage, setbacks, building height and use, and contains other development and use regulations to assure compatible development. Generally, compliance with these applicable codes and ordinances is adequate to achieve sufficient mitigation of most long-term impacts. However, due to the nature of the proposal, potential impacts warrant further analysis.

Traffic and Transportation

The FEIS identified a number of localized long-term traffic and transportation impacts related to the overall provision of the light rail service. In the vicinity of the subject project, some businesses, which rely on easy arterial, freeway, and rail access and circulation could be adversely affected by traffic restrictions associated with light rail operation. However, availability of transit could eventually reduce auto reliance and potentially lead to reduction in traffic and increase in street capacity for trucking and parking. Therefore, no additional mitigation is warranted pursuant to SEPA policy.

Noise

The proposed element of the system will generate long-term noise. However, the ambient noise increase due to operation of the system will not be substantial. In addition, there are no sensitive noise receptors such as residences or sensitive commercial or institutional uses in proximity. Therefore, no SEPA policy based conditioning of noise impacts of the project is warranted.

DECISION - SEPA

Environmental impacts for the proposal were identified and analyzed in the Final Environmental Impact Statement issued by Sound Transit. DPD has the authority to mitigate impact pursuant to the city's SEPA practices. Therefore, the proposal is **APPROVED** with the following conditions:

CONDITIONS – SEPA

1. The applicant shall comply with the management of construction activities as specified in the Contract Specifications, Documents, and Special Provisions that have been reviewed and approved by all City of Seattle departments and which are included in the SDOT Project Construction Permit(s) for the East Portal and the McClellan Station. Specifically, the applicant shall comply with all specifications that address construction hours, parking, traffic, and issues related to impacts on the surrounding street and sidewalk system.

Signature: _____ (signature on file) Date: April 19, 2004
Michael Jenkins, Land Use Planner
Department of Planning and Development
Land Use Services

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